

Proposed Regulations and Proposed Statewide Waiver for Onsite Wastewater Treatment Systems (OWTS) (Septic Systems)

The following discussion is intended to present and briefly respond to frequently asked questions. The reader is encouraged to review the actual language of the proposed regulations and proposed waiver as well as the draft environmental impact report.

Why adopt regulations for onsite wastewater treatment systems (septic systems)?

- Legislation (AB 885, 2000 Jackson) directed the State Water Board to adopt regulations
- Water Code requires regulation of discharges of waste that impair or threaten to impair surface water or groundwater quality.
 - Septic systems, when properly sited:
 - Remove bacteria and viruses.
 - But allow soluble materials resistant to degradation to reach and pollute groundwater and impair the quality of groundwater and nearby surface water.

Why adopt a Statewide Waiver of Waste Discharge Requirements in addition to regulations for septic systems?

- Persons who discharge waste that impairs or threatens to impair waters of the state must file a report of waste discharge with the Regional Water Board.
- A Water Boards may waive the reporting of a discharge of waste for a type of discharge. A statewide waiver will allow owners of septic systems to avoid filing a report of waste discharge so long as the provisions of the waiver are complied with.

Are the requirements the same in the proposed regulations and statewide waiver?

- Yes.

How will the proposed regulations and statewide waiver affect owners of existing septic systems?

- Owners must have their septic tanks inspected for solids accumulations every five years by a qualified service provider. Inspection cost ~\$325.
- Owners with an onsite domestic well on their property must:
 - Have a state certified analytical laboratory analyze well water (groundwater) for specified constituents once every five years and report the results electronically to the State Water Board. Domestic well sampling and reporting costs ~\$325.
- Owners whose existing septic systems are within 600 feet of a surface water body that does not meet water quality standards (impaired water body) will be subject to special requirements (more later).
- Owners will have to keep documentation to show that they are adhering to the regulations.

How will the proposed regulations and statewide waiver affect owners of existing septic systems within 600 feet of an impaired surface water body?

- Where existing septic systems have been identified by a Regional Water Board to be contributing to the water quality impairment (pollution) of specific surface water bodies, owners of septic systems within 600 feet of the impaired surface water body will be required to:
 - Have a qualified professional determine whether the septic system is contributing to the impairment.
 - If so, retrofit the septic system with supplemental treatment (\$45,000 approximate cost for a retrofit).
- Maps of impaired water bodies with septic system discharges are on the Water Board website.

How will the proposed regulations and statewide waiver affect the construction of new septic systems?

All requirements for existing septic systems will apply to new septic systems plus the following:

1. A qualified professional to perform a site assessment and design of all new septic systems, including determinations of seasonal high groundwater.
2. New systems to be constructed by a State licensed contractor or by the property owner.
3. New septic tanks to have effluent devices (filters) that retain solids in excess of 3/16 inches in diameter.

4. New septic systems to be designed to maximize soil treatment.
5. Three feet minimum depth to groundwater or impermeable layer for conventional septic system. Two feet minimum depth for systems with supplemental treatment.
6. New septic systems that use pumps to have malfunction alarms and emergency tank capacity to store the waste flow for up to 24 hours.
7. New septic systems to have an operation and maintenance manual (O&M Manual). These O&M Manuals must be provided to all subsequent property owners.
8. New septic systems within 600 feet of an impaired surface water body where existing OWTS have been identified by a Regional Water Board to be contributing to the impairment to have supplemental treatment systems (\$35,000 approximate cost for a new installation).

What other alternatives were considered to the proposed regulations and statewide waiver?

- **No Project Alternative (Status Quo)**
- **Prescriptive Alternative**
- **Matrix Alternative**
- **Supplemental Treatment Alternative**

No Project Alternative (Status Quo)

- Local governments have requirements that govern the design and construction permitting of septic tank systems.
- Each Regional Water Board has adopted requirements for septic systems for the protection of surface water and groundwater.
- This alternative was rejected because:
 - AB 885 mandated statewide regulations.
 - State law that mandates the regulation of discharges of waste through either waste discharge requirements or a conditional waiver of such requirements.

Prescriptive Alternative

- The prescriptive alternative was developed as a detailed set of design and operation requirements.
- This alternative was rejected because:
 - It would have required extensive revision of local ordinances
 - It received considerable opposition from local government stakeholders.

Matrix Alternative

- Developed by staff of the Central Valley Water Board
- Originally presented as a “matrix” of requirements coupled with minimum land area requirements.
- Although similar to the proposed regulations, this alternative is more restrictive in allowance for supplemental treatment systems and does set forth minimum land area requirements for septic systems.
- This alternative was rejected because it would conflict with existing local government requirements for land use and zoning.

Supplemental Treatment Alternative

- Requires all new septic systems to include supplemental treatment components and require all existing septic systems to be converted to supplemental treatment within nine years.
- This alternative would achieve significant treatment for pathogens as well as other wastewater constituents and provide higher protection of groundwater and surface water quality.
- This alternative was rejected because it is very costly to the septic system owner with new systems costing an average of \$35,000 for installation and an average of \$45,000 to convert existing systems.

Have the proposed regulations been peer reviewed?

- Yes the Peer Review is complete and document was found to be satisfactory, with some small changes.

•

How is the Water Board complying with the California Environmental Quality Act (CEQA)?

- A draft environmental impact report (DEIR) has been prepared for both the proposed regulations and statewide waiver.

What significant potential environmental impacts were identified in the DEIR if the proposed regulations and statewide waiver were adopted?

What was proposed to avoid (mitigate) the impacts?

- **Nitrate contamination** of groundwater from all existing and new conventional septic systems.

- **Mitigation:** Supplemental treatment for all septic systems. This mitigation measure is very expensive.

What fiscal and economic impacts were identified?

- Yearly annualized cost: \$339 Million
- Businesses impacted: 11,364
- Jobs Created: 10,674
- Businesses Created: 498

What is the timeline for these regulatory actions?

- November 7, 2008: Release documents for public review and comment
- November 7, 2008 – February 9, 2009: 90 day public comment period with 12 public meetings
- Dec. thru April: Staff prepares responses to comments and makes appropriate revisions to proposed regulations, statewide waiver and DEIR.
- August 2009 – 30 day comment period ending with adoption of EIR, regulations and waiver
- November 2009: Completion of OAL review
- Jan. 1, 2010 – Effective date of regulations
- July 2010 – Implementation date of regulations (AB 885 stipulated a six month delay)